

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47455 of 2024

Arising Out of PS. Case No.-424 Year-2020 Thana- RAXAUL District- East Champaran

1. Bhikhar Yadav Son of Bodha Rai Resident of Vill- Siswa, P.S.- Raxaul, District- East Champaran.
2. Chanda Devi Wife of Bhikhar Yadav Resident of Vill- Siswa, P.S.- Raxaul, District- East Champaran.
3. Ram Vinay Yadav Son of Jagdish Yadav Resident of Vill- Siswa, P.S.- Raxaul, District- East Champaran.
4. Teza Yadav Son of Late Sudha Ray Resident of Vill- Siswa, P.S.- Raxaul, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Raxaul (Haraiya) P.S. Case No. 424 of 2020 dated 15.11.2020 instituted for the offence punishable under Sections 363, 366A, 506/34 the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date of occurrence, the son of the petitioner nos. 1 & 2 eloped with the minor girl of the informant. On complain made by the informant to the petitioners, they started abusing the informant



and threatened him dire consequences and did not hand over the victim to the informant. It is alleged that they made a phone call to the informant and demanded two lakh rupees to return the victim.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the victim is a major girl and she eloped with Ajay Yadav, who is the son of petitioner nos. 1 & 2. Petitioner nos. 3 & 4 are the relatives of the petitioner nos. 1 & 2. Learned counsel for the petitioners further submits that there is no specific allegation against the petitioners rather the allegation levelled against the petitioners are general and omnibus. In the statement of victim recorded under Section 164 of the Cr.P.C., there is no whisper about any allegation against the petitioners. Learned counsel for the petitioners submits that the Magistrate has assessed the age of the victim as 21 years and date of birth of the victim mentioned in school register is 16.03.2003 i.e. below the age of 18 years at the time of occurrence. In the statement of the victim recorded under Section 164 Cr.P.C., she has stated that she was in love with her husband and she eloped with him and solemnized marriage in temple and thereafter, on the next day, they went to Delhi. She



also stated that her parents have lodged false case against her husband and in-laws. Learned counsel for the petitioners further submits that in para 82 of the case diary, it has come that the victim is blessed with a child. Learned counsel for the petitioners further submits that the deponent of the affidavit of the bail application is Vishal Kumar, who is the son of the informant, namely, Nandu Prasad Chaurasia and brother-in-law (sala) of Ajay Yadav. Learned counsel for the petitioners also submits that the Ajay Yadav and the victim are consented party and they solemnized marriage out of their sweet will being major and leaving pleasant life with a cute baby. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Raxaul (Haraiya) P.S. Case No. 424 of 2020, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Raxaul at Motihari,



East Champaran subject to condition as laid down under
Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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